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09/828,889	04/10/2001	Toshio Yagihashi	Q63958	7824

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2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

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12/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/828,889

Applicant(s)

YAGIHASHI ET AL.

Examiner

Cristina Owen Sherr

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to applicants' amendment filed October 9, 2007. Claim 1 has been amended. Claims 13-17 and 25-27 have been previously withdrawn. Claims 1-12 and 18-24 are currently presented for examination.

Response to Arguments

2. Applicant's arguments filed October 9, 2007 have been fully considered but they are not persuasive.

3. Applicants argue, regarding claims 1, 2, 7, and 8, that nothing in the cited reference, teaches, suggests or discloses "an account terminal which transfers payment for utilizing the design database from a bank account of the designer".

4. Examiner respectfully disagrees and directs attention to Robertson, wherein "In a preferred embodiment, invoicing and payment are both electronic in nature". (col 14 n 53-45). Further, "... if the portal site 204 is handling billing, then the process 500 proceeds to step 540, wherein the application server 232 generates an invoice and transmits it from portal site 204 to the user over the Internet 230. In a next step 542, the user then transmits remittance for that invoice to the portal site 204, which may be done electronically or through paper. Alternatively, the user may maintain an account with the portal site 204, which may be electronically debited. " (col 14 ln49-57). It is obvious that the user may maintain an account at the portal site or that the electronic invoice may be paid electronically from any other account, such as a bank account or from a credit card or debit card. Such methods of payment are old and well-known in the art (e.g. Ginter et al (US 5,892,900). Thus, it would be obvious to make electronic payments from any

account. *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

5. Applicants argue, regarding claims 3, 9 and 24, that nothing in the cited reference discloses, teaches or suggests "any financial transactions between a parts vendor and a designer".

6. Examiner respectfully disagrees and directs attention to Robertson, wherein the portal site act as intermediary between the various participants in the transactions. Thus, the transaction described above, are, in fact transaction between the participants in the transaction, (e.g. vendors, buyers, users, etc). Further, *KSR* forecloses Appellant's argument that a specific teaching is required for a finding of obviousness. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

7. Applicants argue, regarding claims 5, 6, 11, 12, 18, and 22 that nothing in the cited reference discloses, teaches, or suggests "means for conducting a price simulation or means for conducting a noise simulation".

8. Examiner respectfully disagrees and directs attention to Robertson, wherein "... the portal site 104 makes design automation tools, such as simulation software, available to end users 102 who need them. The portal site 104 may facilitate the location of needed design automation tools by providing a database of design automation tools, and by trying to match up the end user 102 with the most suitable design automation tool. The supplier 106 of design automation services may offer the design automation tools on a license or other basis, through a transaction carried out

via the portal site 104. " (col 6 ln 49-60). Generally, simulation software would include software for noise or price simulation.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-12 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al (US6,594,799).

11. Regarding claim 1 –

Robertson discloses a network-based design service system (e.g. fig.1), comprising:
a design database server on which a design database, containing information on sample circuits, that is stored (e.g. col 6 ln 20-35);
a designer terminal, connected to the design database server via a network, the designer terminal comprising inputting means with which a designer can search the design database and design a device (e.g. col 7 ln 58-64).

12. Robertson does not specifically disclose an account terminal that transfers a payment for utilizing the design database from a bank account of the designer. Note however, that Robertson does disclose wherein invoicing and debiting may be done on paper or electronically and wherein the supplier may maintain an account at the portal or design site. (col 14 ln 28-48). It would be obvious, in view of the presence of the

Internet in both Robertson and the instant application to have a connection to a bank account for invoicing and debiting funds.

13. Regarding claim 2 –

Robertson discloses a network-based design service system wherein the designer terminal is connected to the design database server via the world wide web and the designer accesses the design database server via a website. (e.g. col 4 ln 64-col 5 ln 19).

14. Regarding the limitation of claim 3 –

As above, Robertson does not specifically disclose a network-based design service system wherein said account terminal further transfers an employment fee from a bank account of a parts vendor to the bank account of the designer upon employment of a part by the said-designer. Robertson does not specifically disclose an account terminal that transfers a payment for utilizing the design database from a bank account of the designer. Note however, that Robertson does disclose wherein invoicing and debiting may be done on paper or electronically and wherein the supplier may maintain an account at the portal or design site. (col 14 ln 28-48). It would be obvious, in view of the presence of the Internet in both Robertson and the instant application to have a connection to a bank account for invoicing and debiting funds, including employment fees.

15. Regarding the limitation of claim 4 –

Robertson does not specifically disclose a network-based design service system comprising: means for notifying at least one other designer terminal if problem is found

in a sample circuit during the design process for the device. Robertson does, however, disclose wherein automated user notifications in the event of updates (col 20 ln 57-65), as well as the use in expert help in the design process in several formats (e.g. col 27 ln 23-48). It would be obvious to one of ordinary skill in the art to thus modify Robertson to include the notifications contemplated in the instant claim 4.

16. Regarding claim 5 –

Robertson discloses a network-based design service system further comprising: means for the designer to conducting a price simulation for meeting a target price of the device and means for conducting a noise simulation for achieving a required noise proof performance. (e.g. col 6 ln 37-48).

17. Regarding claim 6 –

Robertson discloses as discussed above under claims 4 and 5.

18. Regarding claim 7 –

Robertson disclose as discussed above under claim 1.

19. Regarding claim 8 –

Robertson discloses as discussed above under claim 2.

20. Regarding claim 9 –

Robertson discloses as discussed above under claim 3.

21. Regarding claim 10 –

Robertson discloses as discussed above under claim 4.

22.. Regarding claim 11 –

Robertson discloses as discussed above under claim 5.

23. Regarding claim 12 –

Robertson discloses as discussed above under claim 6.

24. Regarding the limitation of claim 18 –

Robertson does not specifically disclose a network-based design service system wherein the design database further comprises information on an anti-noise circuit.

Robertson does, however, disclose generally, providing information on various circuits for purposes of design (e.g. abstract). Thus, it would be obvious to one of ordinary skill in the art to provide information on antinoise circuits while providing all other information in the interest of a more complete service.

25. Regarding claim 19 –

Robertson discloses as discussed above under claim 18 .

26. Regarding claim 20 –

Robertson discloses as discussed above under claim 18.

27. Regarding claim 21 –

Robertson discloses as discussed above under claim 1.

28. Regarding claim 22 –

Robertson discloses as discussed above under claim 18.

29. Regarding claim 23 –

Robertson discloses as discussed above under claim 18.

30. Regarding claim 24 –

Robertson discloses as discussed above under claim 1.

31. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-

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272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cristina Owen Sherr
Patent Examiner, AU 3621



CALVIN L. HEWITT
PRIMARY EXAMINER